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Amendment dated Sep. 16, 2008
Reply to Office action dated June 18, 2008

Remarks

I. Status of claims

Claims 11-34 and 37-43 were pending.

The previous withdrawal of claims 37-43 has been revoked.

Dependent claim 44 has been added.

II. Claim rejections under 35 U.S.C. § 112

A. Claim rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 11, 33, and 34 under 35 U.S.C. § 112, first paragraph. In pertinent part, the Examiner has explained the basis for this rejection as follows (see page 3, first ¶ of the Office action):

> ...The claims have been amended to include the idea of defining explicit constraints on a scalable bitstream in terms of respective semantic independent functions. Paragraph 113 of the instant application discloses that the invention performs interpretation based on the resource descriptor metadata and outbound constraints and does not depend on the specifics of the actual content. It is unclear how this section or any section of the disclosure ensures that the constraints are defined by some semantic free format. Since the interpretation is disclosed as being based on some sort of metadata and outbound constraints, metadata exists as some sort of defined format, or semantic to allow the interpretation to be performed.

The term "semantic-independent" has been deleted from each of the claims 11, 33, and 34, thereby rendering moot the basis for the Examiner's rejection of these claims under 35 U.S.C. § 112, first paragraph.

The subject matter now defined in each of claims 11, 33, and 34 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time the application was filed. For

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example, correspondences between the elements of independent claim 1 and the description

contained in the original disclosure are indicated below:

> 11.   A machine-implemented method, comprising:

> receiving a scalable encoded bitstream comprising scalable encoded media data and values of non-media-type-specific scalability attribute variables defining different adaptation points of the scalable encoded media data (page 20, lines 8-14);

> obtaining receiving attributes for a destination of an outbound version of the scalable encoded bitstream (page 20, lines 14-16), wherein ones of the receiving attributes define explicit constraints on the outbound version of the scalable encoded bitstream in terms of respective functions of ones of the scalability attribute variables (page 20, line 20 - page 21, lines 25; page 34, line 24 - page 35, line 27; page 36, lines 6-14);

> determining values of adaptation measures from respective evaluations the functions based on the values of the ones of the scalability attribute variables (page 22, lines 10-26);

> ascertaining a set of one or more candidate ones of the adaptation points of based on imposition of the constraints on the determined values of the adaptation measures (page 29, lines 8-22; FIG. 13);

> selecting an adaptation point from the set of candidate adaptation points without regard to the scalable encoded media data (page 29, lines 8-22; FIG. 13); and

> transcoding the scalable bit stream in accordance with the selected adaptation point to produce the outbound version of the scalable encoded bitstream (page 22, lines 6-12; FIG. 7).

Based on the correspondences between the subject matter defined in claim 11 and the

sections of the original disclosure identified above, it is clear that the subject matter of claim 11

is described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor had possession of the claimed invention at the time the application

was filed.

Each of independent claims 33 and 34 recites elements that essentially track the elements

of claim 11.

Therefore, the rejection of independent claims 11, 33, and 35 under 35 U.S.C. § 112, first

paragraph, should be withdrawn for at least the reasons explained above.

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B.   Claim rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 11, 33, and 34 under 35 U.S.C. § 112, second

paragraph for the following reason (see page 4, first ¶ of the Office action):

> The claims recite that the constraints enforced on the bitstream
> traffic are "semantic-independent" functions. It is unclear from the
> claim, in light of the specification, the definition of a function that
> is semantic-independent.

The term "semantic-independent" has been deleted from each of the claims 11, 33, and

34, thereby rendering moot the basis for the Examiner's rejection of these claims under 35

U.S.C. § 112, second paragraph.

For at least this reason, the rejection of independent claims 11, 33, and 35 under 35

U.S.C. § 112, second paragraph, should be withdrawn.

III.   Claim rejections under 35 U.S.C. § 103

The Examiner has rejected claims 11-19, 33, 34, and 37-43 under 35 U.S.C. § 103(a)

over Kalra (U.S. 5,953,506) in view of Mukherjee ("Structured Scalable Meta-formats (SSM)

version 1.0 for content agnostic Digital Item Adaptation").

As established by the attached Declaration under 37 CFR § 1.132, Mukherjee is not prior

art under 35 U.S.C. § 103(a) because this paper describes applicants' own work (see MPEP §

715.01(c).I.

For at least this reason, the rejection of claims 11-19, 33, 34, and 37-43 under 35 U.S.C. §

103(a) over Kalra in view of Mukherjee should be withdrawn.

It is noted that Kalra does not disclose or suggest the inventive subject matter defined by

the pending claims.

For example, contrary to the Examiner's position, col. 15, line 45 - col. 16, line 30, of

Kalra does not disclose or suggest "obtaining receiving attributes for a destination of an

outbound version of the scalable encoded bitstream, wherein ones of the receiving attributes

define explicit constraints on the outbound version of the scalable encoded bitstream in terms of

respective functions of ones of the scalability attribute variables," as recited in claim 11. In col.

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15, line 45 - col. 16, line 30, Kalra discloses in pertinent part that the server obtains from a client a client profile that assigns values to certain parameters based on the characteristics of the client system (see col. 15, lines 33-44) and uses these parameter values to determine a bandwidth constraint, a CPU constraint, and a video preference constraint. None of the parameter values contained in the client profile defines explicit constraints on the outbound version of the scalable encoded bitstream in terms of respective functions of ones of the scalability attribute variables. Instead, each of these parameter values simply sets a value to a respective one of the client profile parameters; there is no function of ones of the scalability attribute variables. In addition, none of the bandwidth constraint, the CPU constraint, and the video preference constraint are functions of ones of the non-media-type-specific scalability attribute variable values that are included in a scalable encoded bitstream.

Kalra also does not disclose or suggest "determining values of adaptation measures from respective evaluations the functions based on the values of the ones of the scalability attribute variables," as recited in claim 11. Instead, Kalra determines the bandwidths allocated to video from a function of the network bandwidth and user preference values (neither of which constitutes a non-media-type-specific scalability attribute variable value that is included in a scalable encoded bitstream), determines the audio decode ratio from a function of the average time to decode value (which does not constitute a non-media-type-specific scalability attribute variable value that is included in a scalable encoded bitstream), and determines the $CPUR_A$ from a function of the audio decode ratio and the curve specified by the user preference (neither of which constitutes a non-media-type-specific scalability attribute variable value that is included in a scalable encoded bitstream).

Since Kalra does not disclose or suggest the "determining" element of claim 11, Kalra cannot possibly disclose or suggest any of the "ascertaining", the "selecting", and the "transcoding" elements of independent claim 11 that depend on the "determining" element.

Each of independent claims 33 and 34 recites elements that essentially track the pertinent elements of claim 11 discussed above.

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IV.   Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

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